

IRIS Ombudsman Services Specialist
Board on Aging and Long Term Care

Position Summary:

Under general supervision of the Ombudsman Services Supervisor at The Board on Aging and Long Term Care (BOALTC), this position works collaboratively with the IRIS Ombudsman Services Lead. This position functions independently, acting as the primary representative of and advocate for long-term care consumers in Wisconsin's "Include, Respect, I Self-Direct," or IRIS self-directed care program authorized under Wisconsin's Medicaid Home and Community Based Services waivers 1915(c) and the Self-Directed Personal Care State Plan Amendment 1915(j) approved by The Centers for Medicare and Medicaid Services. The position conducts professional investigations of complaints pursuant to the Federal Older Americans Act (OAA), sec. 712, federal regulations at 45 CFR 1324, and Wisconsin Statute 16.009, related to the long term care advocacy of individuals age 60 and older who receive self-directed home and community-based services under the IRIS program; participates in certification surveys, as specified by state law; provides representation of clients at informal conferences and state fair hearings before the Division of Hearings and Appeals and before other appropriate bodies; provides education, information, outreach and technical assistance to adults age 60 and older, their families/ significant others, IRIS Consultant Agencies (ICA's), Fiscal Employer Agents (FEA's) and providers.

This IRIS Ombudsman Services Specialist position is located in a home office and is responsible for her or his own administrative and operational support without onsite technical or supervisory staff. The position requires the ability to self-prioritize, make appropriate and timely referrals, electronically document work and manage time while promptly responding to every request for assistance.

GOALS AND WORKER ACTIVITIES

40% A. Complaint Investigations

A1. Conduct complex investigations regarding self-directed supports in managed long-term care services.

A2. Locate and attempt to interview all parties to a complaint, with possible repeat visits to client homes, long-term care communities, social service agencies or provider agencies in order to interview clients and others with consent, including but not limited to family and significant others, ICA and FEA staff, Elder and Disability Benefit Specialists and contracted providers. Ensure that clients have regular and timely access to services provided by the IRIS Ombudsman and receive timely responses. Represent the interest of clients before governmental agencies and seek administrative, legal and other remedies to protect the health, safety, welfare and rights of clients.

A3. Secure and document consent for release of information from clients and legal representatives according to agency policy, state and federal provisions and as appropriate.

A4. Assert the client's right of protection from retaliation and reprisal by any entity or person.

A5. Inform complainants alleging elder abuse or neglect of the state reporting laws and BOALTC policy to seek referral of all such complaints to the appropriate enforcement and victims' support agencies.

A6. Refer complaints to and participate in investigatory processes with appropriate agencies when state and federal laws or rules are alleged to have been violated.

A7. Identify deficiencies in the long-term care system based on information derived from complaint investigations and by monitoring state and local agencies that license, inspect or contract with long-term care service entities and providers. Communicate this information as a contribution to the development of state long-term care policy.

A8. Review all documents and data relating to complaints including records held by social service agencies, compliance records held by Department of Health Services (DHS), Office of Caregiver Quality (OCQ), Department of Regulation and Licensing, Office of Commissioner of Insurance (OCI), Department of Justice (DOJ) and other appropriate agencies. Consult with BOALTC Counsel to the Board and/or the IRIS Ombudsman Services Lead to research the applicable laws, regulations and guidelines during the investigative process.

30% B. Complaint Mediation and Compliance

B1. Mediate and/or facilitate resolution of complaints to ensure compliance with state and federal statutes, administrative rules and regulations, contracts and guidelines with a focus on the preservation of individual rights.

B2. Utilize mediation, negotiation, arbitration and conciliation skills and techniques to resolve disputes in accordance with program standards of conduct, to determine whether or not state and federal laws and rules have been violated.

B3. Working toward case resolution, upon request and with consent review practices by contracted personnel and agencies to insure quality of care and quality of life provided for clients.

B4. With consent, represent clients at state fair hearings and informal conferences related to disputes about self-directed long-term care supports, services or care. Provide direct testimony in civil and criminal proceedings with the assistance of the Board legal counsel when subpoenaed.

B5. Contact other agencies as appropriate to ascertain progress on prior referrals.

B6. Maintain all case records in a timely and secure manner according to BOALTC policy.

B7. Follow program policy and protocols regarding client confidentiality, consent and disclosure.

20% C. System Monitoring Activities

C1. Collaborate with the necessary entities to ensure that rights and responsibilities related to self-direction are respected and implemented according to state statutes and relevant policies and procedures.

C2. Participate in appropriate local, regional or state work groups, committees and public hearings; provide information to the State Ombudsman to assist in the development of long-term care policy regarding self-direction.

C3. Represent clients of the Board before governmental agencies and seek or facilitate administrative, legal and other remedies to promote their rights, health, safety, and welfare.

C4. Develop professional relationships with ICA's, FEA's, Disability Rights Wisconsin, Elder and Disability Benefit Specialists, County Aging and Disability Resource Centers, Human Services Departments, Aging Units and other contracted agencies that provide services to older adults.

5% D. Public Education, Information and Outreach

D1. Promote public education, planning and voluntary acts to resolve problems and improve conditions involving self-directed managed long-term care for persons age 60 and older.

D2. Contribute to the development of materials that assess existing inadequacies in federal and state laws, regulations and rules concerning self-directed managed long-term care for persons age 60 and older; and convey accurate information on a variety of managed long-term care topics by preparing and delivering formal presentations to audiences of both small and large attendance.

D3. Provide training and information to older adults, their families, significant others, providers, ICA's, FEA's and others on managed long-term care issues such as self-direction, client rights, confidentiality, abuse and other issues of relevance.

D4. Provide consultation services and disseminate printed information to individuals and organizations, including ICA's and FEA's, to explain complex programs, policy and procedures relating to long-term care services and self-direction.

D5. Provide education, information and consultation in response to requests from clients, consumers, ICA's and FEA's, providers and the public on self-direction within the managed long-term care system.

D6. Serve on taskforces, committees and groups, with prior consultation of supervisor, to provide information, advice and technical assistance regarding self-directed long-term care services.

5% E. Other Responsibilities as Assigned

E1. Perform additional duties as requested by the Ombudsman Services Supervisor, the IRIS Ombudsman Lead, or the Executive Director of the Board on Aging and Long Term Care (BOALTC).

E2. Additional duties in furtherance of the mission of the program as assigned.

Knowledge, Skills and Abilities

1. Knowledge of self-directed supports and services with respect to managed long-term care state and federal laws, state administrative rules and administrative codes.
2. Knowledge of criteria that determines financial and functional eligibility for self-directed (IRIS) managed long term care services.
3. Knowledge of, and ability to provide, advocacy for self-directing long term care consumers, focusing on quality of care and the concept of self-determination.
4. Ability to provide representation at state fair hearings or public legislative hearings, as an expert witness, or providing testimony or representation on behalf of a client, in cases of benefits disputes, elder abuse, guardianship, etc., providing expertise and concise anecdotal accounts at court or in committee during the legislative process.
5. Ability to advocate for a client's self-determination, choice and dignity of risk when the client's choices and desires are in conflict with those of others.
6. Ability to provide advocacy to clients in a manner that supports vs. paternalizes the client's desire to self-direct services.
7. Skill in consultation and investigation techniques to identify issues and recommendations leading to the resolution of complaints of rights violations, inadequate care and services, and allegations of abuse, neglect and exploitation. Such consultations and investigations may occur either independently or jointly with the Department of Health Services, the Department of Justice, the county Adult Protective Services unit or other qualified entities.
8. Knowledge of long-term care programs and services including, but not limited to, the following: Elder and Disability Benefit Specialist Program, Nursing Homes, CBRFs, RCAC's, Adult Family Homes, Family Care/PACE/Partnership/IRIS, Mental Health Act, Patient Rights, Resident Rights, Medicare, Medical Assistance, Aging Network Programs, Advocacy Programs, Hospice, Guardianship, Protective Services and Placement, Elder Abuse, and Advance Legal Directives.
9. Skill in facilitation, mediation and collaboration, including the ability to be persuasive and negotiate toward client-focused resolution.
10. Public speaking skills; ability to effectively communicate orally and in writing to diverse groups including consumers, families, providers and the general public with a clear focus on the rights and needs of the consumer.
11. Ability to develop written informational materials related to self-direction for public dissemination.
12. Ability to establish and maintain beneficial relationships with agencies and stakeholders including, but not limited to: ICA's and FEA's, Disability Rights Wisconsin, Aging and Disability Resource Centers, Social Services Agencies, Centers for Medicare and Medicaid Services, Office of Civil Rights, Department of Justice, Department of Health Services, Division of Hearings and Appeals, other law enforcement agencies and county court systems, and district attorneys.
13. Ability to monitor proposed and existing regulations and statutes affecting self-directed managed long term care and advocate for effective public policy in the interest of consumers.
14. Thorough knowledge and understanding of and commitment to follow state and federal rules and law pertaining to issues of conflict of interest and the limits on consent and disclosure of confidential information.
15. Knowledge of the requirements and ability to provide regulatory oversight that ensures agencies are enforcing regulations as recently promulgated federal rules for the Long Term Care Ombudsman Program found at 45 CFR 1321 and 45 CFR 1324 in a manner which is consistent with and supportive of consumer rights.

Special Requirements:

- The ability to travel regularly and frequently within assigned region.
- A valid Wisconsin driver license that meets the State's Risk Management requirements, or the ability to obtain one's own reliable transportation on a consistent basis.
- Proficiency in documenting casework and communicating with others using a computer.
- The ability to manage competing priorities and responsibilities without direct (face-to-face) supervisor or colleague support.